



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX**

**75 Hawthorne Street  
San Francisco, CA 94105**

**Mail Code: W-6-3**

**March 7, 1996**

**John Kline  
BHP Copper  
14605 East Hunt Highway  
Florence, AZ 85232**

**Dear Mr. Kline:**

We are writing this letter to discuss the wildlife issues for the Florence copper mine project. Judy Bloom, of my staff, has coordinated the Section 7 consultation with the Fish and Wildlife Service (Service), Arizona Ecological Services Field Office. Mr. Sam F. Spiller, Field Supervisor in the Phoenix office, submitted recommendations on wildlife issues for the Florence project (see attached letter).

The Service is unaware of any sulfate based mining operations in Arizona that require exclusion of migratory birds from raffinate and pregnant leach solution (PLS) ponds. They do suspect that birds may be attracted to any type of open water but no study has documented waterbird use of raffinate and PLS ponds or the potential effects of pond water on the birds. EPA shares these concerns. The Service suggests that these ponds be monitored on a regular basis.

We do not intend, as a part of the UIC permit, to require BHP Copper to monitor and document bird use of the ponds or construct exclusion devices preventing bird use of the ponds. EPA appreciates BHP's effort in addressing the concerns that the Service and EPA have raised regarding the ponds. Previously, you agreed to incorporate observation of the ponds for bird landings and deaths into standard operating procedures. However, we recommend that BHP develop a plan to monitor wildlife use of the ponds. If BHP has the plan developed by a professional wildlife biologist, we would assist you by reviewing and finalizing it. We believe that if BHP develops and implements a biological monitoring plan, BHP will benefit by having addressed the Service and EPA's concerns as well as any likelihood of private interest groups who might challenge the project on a wildlife issue.

BHP would also benefit from possessing a biological monitoring plan prepared by and implemented by a professional wildlife biologist because it legitimizes the data collected. All future BHP in-situ mine sites and current facilities utilizing PLS and raffinate ponds could refer to the data collected at the Florence project to support the assertion that birds are not attracted to these types of ponds.

If you have any questions please contact Jose Gutierrez of my staff at (415) 744-1829. I have also instructed Mr. Gutierrez to schedule a conference call at your convenience to discuss this issue further.

Sincerely,

A handwritten signature in black ink, appearing to read "Clyde Morris", with a long horizontal flourish extending to the right.

Clyde Morris, Chief  
Source Water Protection Section

Attachment

cc: Sam F. Spiller, Field Supervisor Fish and Wildlife Service